
HOUSE BILL 2912

State of Washington

61st Legislature

2010 Regular Session

By Representatives Quall, Carlyle, O'Brien, Ericks, Dunshee, Sullivan, Blake, Jacks, Hunter, and Maxwell

Read first time 01/18/10. Referred to Committee on Finance.

1 AN ACT Relating to modifying local excise taxes in counties that
2 have pledged lodging tax revenues for the payment of bonds prior to
3 June 26, 1975; amending RCW 67.28.180, 82.14.0485, 82.14.049,
4 82.14.0494, 82.14.360, 36.38.010, and 36.100.220; adding a new section
5 to chapter 67.28 RCW; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 67.28.180 and 2007 c 189 s 1 are each amended to read
8 as follows:

9 (1) Subject to the conditions set forth in subsections (2) and (3)
10 of this section, the legislative body of any county or any city, is
11 authorized to levy and collect a special excise tax of not to exceed
12 two percent on the sale of or charge made for the furnishing of lodging
13 that is subject to tax under chapter 82.08 RCW.

14 (2) Any levy authorized by this section (~~shall be~~) is subject to
15 the following:

16 (a) Any county ordinance or resolution adopted pursuant to this
17 section (~~shall~~) must contain, in addition to all other provisions
18 required to conform to this chapter, a provision allowing a credit

1 against the county tax for the full amount of any city tax imposed
2 pursuant to this section upon the same taxable event.

3 (b)(i) In the event that any county has levied the tax authorized
4 by this section and has, prior to June 26, 1975, either pledged the tax
5 revenues for payment of principal and interest on city revenue or
6 general obligation bonds authorized and issued pursuant to RCW
7 67.28.150 through 67.28.160 or has authorized and issued revenue or
8 general obligation bonds pursuant to the provisions of RCW 67.28.150
9 through 67.28.160, such county (~~shall be~~) is exempt from the
10 provisions of (a) of this subsection, to the extent that the tax
11 revenues are pledged for payment of principal and interest on bonds
12 issued at any time pursuant to the provisions of RCW 67.28.150 through
13 67.28.160(~~: PROVIDED, That~~). However, so much of (~~such~~) the
14 pledged tax revenues, together with any investment earnings thereon,
15 not immediately necessary for actual payment of principal and interest
16 on such bonds may be used: ((+i)) (A) In any county with a population
17 of one million five hundred thousand or more, for repayment either of
18 limited tax levy general obligation bonds or of any county fund or
19 account from which a loan was made, the proceeds from the bonds or loan
20 being used to pay for constructing, installing, improving, and
21 equipping stadium capital improvement projects, and to pay for any
22 engineering, planning, financial, legal and professional services
23 incident to the development of such stadium capital improvement
24 projects, regardless of the date the debt for such capital improvement
25 projects was or may be incurred; ((+ii)) (B) in any county with a
26 population of one million five hundred thousand or more, for repayment
27 or refinancing of bonded indebtedness incurred prior to January 1,
28 1997, for any purpose authorized by this section or relating to stadium
29 repairs or rehabilitation, including but not limited to the cost of
30 settling legal claims, reimbursing operating funds, interest payments
31 on short-term loans, and any other purpose for which such debt has been
32 incurred if the county has created a public stadium authority to
33 develop a stadium and exhibition center under RCW 36.102.030; or
34 ((+iii)) (C) in other counties, for county-owned facilities for
35 agricultural promotion until January 1, 2009, and thereafter for any
36 purpose authorized in this chapter.

37 (ii) A county is exempt under this subsection with respect to city
38 revenue or general obligation bonds issued after April 1, 1991, only if

1 such bonds mature before January 1, 2013. If any county located east
2 of the crest of the Cascade mountains has levied the tax authorized by
3 this section and has, prior to June 26, 1975, pledged the tax revenue
4 for payment of principal and interest on city revenue or general
5 obligation bonds, the county is exempt under this subsection with
6 respect to revenue or general obligation bonds issued after January 1,
7 2007, only if the bonds mature before January 1, 2021. Such a county
8 may only use funds under this subsection (2)(b) for constructing or
9 improving facilities authorized under this chapter, including county-
10 owned facilities for agricultural promotion, and must perform an annual
11 financial audit of organizations receiving funding on the use of the
12 funds.

13 (iii) As used in this subsection (2)(b), "capital improvement
14 projects" may include, but not be limited to a stadium restaurant
15 facility, restroom facilities, artificial turf system, seating
16 facilities, parking facilities and scoreboard and information system
17 adjacent to or within a county owned stadium, together with equipment,
18 utilities, accessories and appurtenances necessary thereto. The
19 stadium restaurant authorized by this subsection (2)(b) (~~shall~~) must
20 be operated by a private concessionaire under a contract with the
21 county.

22 (c)(i) No city within a county exempt under (~~subsection (2)~~) (b)
23 of this (~~section~~) subsection may levy the tax authorized by this
24 section so long as said county is so exempt.

25 (ii) (~~If bonds have been issued under RCW 43.99N.020 and any~~
26 ~~necessary property transfers have been made under RCW 36.102.100,~~) No
27 city within a county with a population of one million five hundred
28 thousand or more may levy the tax authorized by this section (~~before~~
29 ~~January 1, 2021~~)).

30 (iii) However, in the event that any city in a county described in
31 (c)(i) or (ii) of this subsection (2)(~~e~~) has levied the tax
32 authorized by this section and has, prior to June 26, 1975, authorized
33 and issued revenue or general obligation bonds pursuant to the
34 provisions of RCW 67.28.150 through 67.28.160, such city may levy the
35 tax so long as the tax revenues are pledged for payment of principal
36 and interest on bonds issued at any time pursuant to the provisions of
37 RCW 67.28.150 through 67.28.160.

1 (3) Any levy authorized by this section by a county that has
2 (~~levied the tax authorized by this section and has, prior to June 26,~~
3 ~~1975, either pledged the tax revenues for payment of principal and~~
4 ~~interest on city revenue or general obligation bonds authorized and~~
5 ~~issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized~~
6 ~~and issued revenue or general obligation bonds pursuant to the~~
7 ~~provisions of RCW 67.28.150 through 67.28.160 shall be~~) a population
8 of one million five hundred thousand or more is subject to the
9 following:

10 (a) Taxes collected under this section in any calendar year before
11 2013 in excess of five million three hundred thousand dollars (~~shall~~)
12 may only be used as follows:

13 (i) (~~Seventy five percent from January 1, 1992, through December~~
14 ~~31, 2000, and~~) Seventy percent from January 1, 2001, through December
15 31, 2012, for art museums, cultural museums, heritage museums, the
16 arts, and the performing arts. Moneys spent under this subsection
17 (3)(a)(i) (~~shall~~) must be used for the purposes of this subsection
18 (3)(a)(i) in all parts of the county.

19 (ii) (~~Twenty five percent from January 1, 1992, through December~~
20 ~~31, 2000, and~~) Thirty percent from January 1, 2001, through December
21 31, 2012, for the following purposes and in a manner reflecting the
22 following order of priority: Stadium purposes as authorized under
23 subsection (2)(b) of this section; acquisition of open space lands;
24 youth sports activities; and tourism promotion. If all or part of the
25 debt on the stadium is refinanced, all revenues under this subsection
26 (3)(a)(ii) (~~shall~~) must be used to retire the debt.

27 (b) From January 1, 2013, through December 31, 2015, (~~in a county~~
28 ~~with a population of one million or more,~~) all revenues under this
29 section shall be used to retire the debt on the stadium, or deposited
30 in the stadium and exhibition center account under RCW 43.99N.060 after
31 the debt on the stadium is retired. On and after the date the debt on
32 the stadium is retired, and through December 31, 2015, one-half of the
33 revenues under this section in a county of one million five hundred
34 thousand or more must be deposited in the arts and cultural account
35 under (d)(i) of this subsection, and the remainder of the revenues must
36 be deposited in the affordable housing account under (d)(ii) of this
37 subsection.

1 (c) From January 1, 2016, through December 31, 2020, (~~(in a county~~
2 ~~with a population of one million or more,)~~) all revenues under this
3 section shall be deposited in the stadium and exhibition center account
4 under RCW 43.99N.060.

5 ~~(d) ((At least seventy percent of moneys spent under (a)(i) of this~~
6 ~~subsection for the period January 1, 1992, through December 31, 2000,~~
7 ~~shall be used only for the purchase, design, construction, and~~
8 ~~remodeling of performing arts, visual arts, heritage, and cultural~~
9 ~~facilities, and for the purchase of fixed assets that will benefit art,~~
10 ~~heritage, and cultural organizations. For purposes of this subsection,~~
11 ~~fixed assets are tangible objects such as machinery and other equipment~~
12 ~~intended to be held or used for ten years or more. Moneys received~~
13 ~~under this subsection (3)(d) may be used for payment of principal and~~
14 ~~interest on bonds issued for capital projects. Qualifying~~
15 ~~organizations receiving moneys under this subsection (3)(d) must be~~
16 ~~financially stable and have at least the following:~~

- 17 ~~(i) A legally constituted and working board of directors;~~
- 18 ~~(ii) A record of artistic, heritage, or cultural accomplishments;~~
- 19 ~~(iii) Been in existence and operating for at least two years;~~
- 20 ~~(iv) Demonstrated ability to maintain net current liabilities at~~
21 ~~less than thirty percent of general operating expenses;~~

22 ~~(v) Demonstrated ability to sustain operational capacity subsequent~~
23 ~~to completion of projects or purchase of machinery and equipment; and~~

24 ~~(vi) Evidence that there has been independent financial review of~~
25 ~~the organization.)) On and after January 1, 2021, revenues under this~~
26 ~~section in a county of one million five hundred thousand or more must~~
27 ~~be deposited as follows:~~

28 (i) At least thirty-seven and one-half percent of the revenues
29 shall be deposited in an arts and cultural account. The account may
30 only be used for the purposes of (a)(i) of this subsection.

31 (ii) At least thirty-seven and one-half percent of the revenues
32 shall be deposited in an affordable housing account for the purposes of
33 distributions to nonprofit organizations or public housing authorities
34 for affordable workforce housing near or at transit stations. For the
35 purposes of this section, "affordable workforce housing" means housing
36 for a single person, family, or unrelated persons living together whose
37 income is at or below one hundred twenty percent of the median income,

1 adjusted for household size, for the county where the housing is
2 located.

3 (iii) The balance of the revenues must be deposited in a special
4 purposes account under section 8 of this act.

5 (e) At least forty percent of the revenues distributed pursuant to
6 (a)(i) of this subsection for the period January 1, 2001, through
7 December 31, 2012, shall be deposited in an account and (~~shall~~) must
8 be used to establish an endowment. Principal in the account (~~shall~~)
9 must remain permanent and irreducible. The earnings from investments
10 of balances in the account may only be used for the purposes of (a)(i)
11 of this subsection.

12 (f) School districts and schools (~~shall~~) may not receive revenues
13 distributed pursuant to (a)(i) of this subsection.

14 (g) Moneys distributed to art museums, cultural museums, heritage
15 museums, the arts, and the performing arts, and moneys distributed for
16 tourism promotion (~~shall be~~) are in addition to and may not be used
17 to replace or supplant any other funding by the legislative body of the
18 county.

19 (h) As used in this section, "tourism promotion" includes
20 activities intended to attract visitors for overnight stays, arts,
21 heritage, and cultural events, and recreational, professional, and
22 amateur sports events. Moneys allocated to tourism promotion in a
23 class AA county (~~shall~~) must be allocated to nonprofit organizations
24 formed for the express purpose of tourism promotion in the county.
25 Such organizations (~~shall~~) must use moneys from the taxes to promote
26 events in all parts of the class AA county.

27 (i) No taxes collected under this section may be used for the
28 operation or maintenance of a public stadium that is financed directly
29 or indirectly by bonds to which the tax is pledged. Expenditures for
30 operation or maintenance include all expenditures other than
31 expenditures that directly result in new fixed assets or that directly
32 increase the capacity, life span, or operating economy of existing
33 fixed assets.

34 (j) No ad valorem property taxes may be used for debt service on
35 bonds issued for a public stadium that is financed by bonds to which
36 the tax is pledged, unless the taxes collected under this section are
37 or are projected to be insufficient to meet debt service requirements
38 on such bonds.

1 (k) If a substantial part of the operation and management of a
2 public stadium that is financed directly or indirectly by bonds to
3 which the tax is pledged is performed by a nonpublic entity or if a
4 public stadium is sold that is financed directly or indirectly by bonds
5 to which the tax is pledged, any bonds to which the tax is pledged
6 (~~shall~~) must be retired. This subsection (3)(k) does not apply in
7 respect to a public stadium under chapter 36.102 RCW transferred to,
8 owned by, or constructed by a public facilities district under chapter
9 36.100 RCW or a stadium and exhibition center.

10 (l) The county (~~shall~~) may not lease a public stadium that is
11 financed directly or indirectly by bonds to which the tax is pledged
12 to, or authorize the use of the public stadium by, a professional major
13 league sports franchise unless the sports franchise gives the right of
14 first refusal to purchase the sports franchise, upon its sale, to local
15 government. This subsection (3)(l) does not apply to contracts in
16 existence on April 1, 1986.

17 (4) If a court of competent jurisdiction declares any provision of
18 (~~this~~) subsection (3) of this section invalid, then that invalid
19 provision (~~shall be~~) is null and void and the remainder of this
20 section is not affected.

21 **Sec. 2.** RCW 82.14.0485 and 1995 3rd sp.s. c 1 s 101 are each
22 amended to read as follows:

23 (1) The legislative authority of a county with a population of one
24 million five hundred thousand or more may impose a sales and use tax in
25 accordance with the terms of this chapter. The tax is in addition to
26 other taxes authorized by law and (~~shall~~) must be collected from
27 those persons who are taxable by the state under chapters 82.08 and
28 82.12 RCW upon the occurrence of any taxable event within the county.
29 The rate of tax shall not exceed 0.017 percent of the selling price in
30 the case of a sales tax or value of the article used in the case of a
31 use tax.

32 (2) The tax imposed under subsection (1) of this section (~~shall~~
33 ~~be~~) is deducted from the amount of tax otherwise required to be
34 collected or paid over to the department of revenue under chapter 82.08
35 or 82.12 RCW. The department of revenue (~~shall~~) must perform the
36 collection of such taxes on behalf of the county at no cost to the
37 county.

1 (3) Until the bonds issued for the construction of the baseball
2 stadium are retired, moneys collected under this section (~~shall~~) must
3 only be used for the purpose of paying the principal and interest
4 payments on bonds issued by a county to construct a baseball stadium.
5 After the bonds issued for the construction of the baseball stadium are
6 retired, moneys collected under this section must be deposited in the
7 special purposes account under section 8 of this act.

8 (4) (~~No tax may be collected under this section before January 1,~~
9 ~~1996, and no tax may be collected under this section unless the taxes~~
10 ~~under RCW 82.14.360 are being collected.~~) The tax imposed in this
11 section (~~shall~~) expires (~~when the bonds issued for the construction~~
12 ~~of the baseball stadium are retired, but not more than twenty years~~
13 ~~after the tax is first collected~~) on the first day that the tax under
14 RCW 82.14.390 is not imposed anywhere in the state.

15 (5) As used in this section, "baseball stadium" means a baseball
16 stadium with natural turf and a retractable roof or canopy, together
17 with associated parking facilities, constructed in the largest city in
18 a county with a population of one million or more.

19 **Sec. 3.** RCW 82.14.049 and 2008 c 264 s 4 are each amended to read
20 as follows:

21 The legislative authority of any county may impose a sales and use
22 tax, in addition to the tax authorized by RCW 82.14.030, upon retail
23 car rentals within the county that are taxable by the state under
24 chapters 82.08 and 82.12 RCW. The rate of tax (~~shall be~~) is one
25 percent of the selling price in the case of a sales tax or rental value
26 of the vehicle in the case of a use tax. Proceeds of the tax (~~shall~~)
27 may not be used to subsidize any professional sports team and (~~shall~~)
28 must be used solely for the following purposes:

29 (1) Acquiring, constructing, maintaining, or operating public
30 sports stadium facilities;

31 (2) Engineering, planning, financial, legal, or professional
32 services incidental to public sports stadium facilities;

33 (3) Youth or amateur sport activities or facilities; (~~or~~)

34 (4) Debt or refinancing debt issued for the purposes of subsection
35 (1) of this section; or

36 (5) For deposit into a special purposes account under section 8 of
37 this act.

1 In a county with a population less than one million five hundred
2 thousand, at least seventy-five percent of the tax imposed under this
3 section shall be used for the purposes of subsections (1), (2), and (4)
4 of this section. In a county of one million five hundred thousand or
5 more, at least seventy-five percent of the tax imposed under this
6 section shall be used to retire the debt on the stadium under RCW
7 67.28.180(2)(b)(ii), until that debt is fully retired, and at least
8 seventy-five percent must be deposited under subsection (5) of this
9 section after the debt is fully retired.

10 **Sec. 4.** RCW 82.14.0494 and 1997 c 220 s 204 are each amended to
11 read as follows:

12 (1) The legislative authority of a county that has created a public
13 stadium authority to develop a stadium and exhibition center under RCW
14 36.102.050 may impose a sales and use tax in accordance with this
15 chapter. The tax is in addition to other taxes authorized by law and
16 shall be collected from those persons who are taxable by the state
17 under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable
18 event within the county. The rate of tax (~~shall be~~) is 0.016 percent
19 of the selling price in the case of a sales tax or value of the article
20 used in the case of a use tax.

21 (2) The tax imposed under subsection (1) of this section (~~shall~~)
22 must be deducted from the amount of tax otherwise required to be
23 collected or paid over to the department of revenue under chapter 82.08
24 or 82.12 RCW. The department of revenue (~~shall~~) must perform the
25 collection of such taxes on behalf of the county at no cost to the
26 county.

27 (3) (~~Before the issuance of bonds in RCW 43.99N.020, all revenues~~
28 ~~collected on behalf of the county under this section shall be~~
29 ~~transferred to the public stadium authority.)) After bonds are issued~~
30 ~~under RCW 43.99N.020, all revenues collected on behalf of the county~~
31 ~~under this section (shall) must be deposited in the stadium and~~
32 ~~exhibition center account under RCW 43.99N.060, until the bonds issued~~
33 ~~for the construction of a stadium and exhibition center are retired.~~
34 After the bonds issued for the construction of a stadium and exhibition
35 center are retired, all revenues collected on behalf of the county
36 under this section must be deposited in the special purposes account
37 under section 8 of this act.

1 (4) The definitions in RCW 36.102.010 apply to this section.

2 (5) This section expires on the (~~earliest of the following dates:~~

3 ~~(a) December 31, 1999, if the conditions for issuance of bonds~~
4 ~~under RCW 43.99N.020 have not been met before that date;~~

5 ~~(b) The date on which all bonds issued under RCW 43.99N.020 have~~
6 ~~been retired; or~~

7 ~~(c) Twenty three years after the date the tax under this section is~~
8 ~~first imposed)) first day that the tax under RCW 82.14.390 is not~~
9 ~~imposed anywhere in the state.~~

10 **Sec. 5.** RCW 82.14.360 and 2008 c 86 s 104 are each amended to read
11 as follows:

12 (1) The legislative authority of a county with a population of one
13 million five hundred thousand or more may impose a special stadium
14 sales and use tax upon the retail sale or use within the county by
15 restaurants, taverns, and bars of food and beverages that are taxable
16 by the state under chapters 82.08 and 82.12 RCW. The rate of the tax
17 (~~shall~~) may not exceed five-tenths of one percent of the selling
18 price in the case of a sales tax, or value of the article used in the
19 case of a use tax. The tax authorized under this subsection is in
20 addition to any other taxes authorized by law and (~~shall~~) may not be
21 credited against any other tax imposed upon the same taxable event. As
22 used in this section, "restaurant" does not include grocery stores,
23 mini-markets, or convenience stores. A county may not impose the tax
24 authorized in this subsection after December 31, 2015.

25 (2) The legislative authority of a county with a population of one
26 million five hundred thousand or more may impose a special stadium
27 sales and use tax upon retail car rentals within the county that are
28 taxable by the state under chapters 82.08 and 82.12 RCW. The rate of
29 the tax (~~shall~~) may not exceed two percent of the selling price in
30 the case of a sales tax, or rental value of the vehicle in the case of
31 a use tax. The tax imposed under this subsection is in addition to any
32 other taxes authorized by law and (~~shall~~) may not be credited against
33 any other tax imposed upon the same taxable event.

34 (3)(a) Except as provided in (b) of this subsection, the revenue
35 from the taxes imposed under the authority of this section (~~shall~~)
36 must be used for the purpose of principal and interest payments on
37 bonds, issued by the county, to acquire, construct, own, remodel,

1 maintain, equip, reequip, repair, and operate a baseball stadium.
2 Revenues from the taxes authorized in this section may be used for
3 design and other preconstruction costs of the baseball stadium until
4 bonds are issued for the baseball stadium. The county (~~shall~~) must
5 issue bonds, in an amount determined to be necessary by the public
6 facilities district, for the district to acquire, construct, own, and
7 equip the baseball stadium. The county shall have no obligation to
8 issue bonds in an amount greater than that which would be supported by
9 the tax revenues under this section, RCW 82.14.0485, and 36.38.010(4)
10 (a) and (b). If the revenue from the taxes imposed under the authority
11 of this section exceeds the amount needed for such principal and
12 interest payments in any year, the excess shall be used solely:

13 ~~((a))~~ (i) For early retirement of the bonds issued for the
14 baseball stadium; and

15 ~~((b))~~ (ii) If the revenue from the taxes imposed under this
16 section exceeds the amount needed for the purposes in (a)~~(i)~~ of this
17 subsection in any year, the excess (~~shall~~) must be placed in a
18 contingency fund which may only be used to pay unanticipated capital
19 costs on the baseball stadium, excluding any cost overruns on initial
20 construction.

21 (b) After the bonds issued for the construction of the baseball
22 stadium are retired, the revenue from the taxes imposed under the
23 authority of this section must be deposited in the special purposes
24 account under section 8 of this act.

25 (4) The proceeds of any bonds issued for the baseball stadium
26 (~~shall~~) must be provided to the district.

27 (5) As used in this section, "baseball stadium" means "baseball
28 stadium" as defined in RCW 82.14.0485.

29 (6) The (~~taxes~~) tax imposed under subsection (2) of this section
30 (~~shall~~) expires (~~(when the bonds issued for the construction of the~~
31 ~~baseball stadium are retired, but not later than twenty years after the~~
32 ~~taxes are first collected)) on the first day that the tax under RCW
33 82.14.390 is not imposed anywhere in the state.~~

34 **Sec. 6.** RCW 36.38.010 and 1999 c 165 s 20 are each amended to read
35 as follows:

36 (1) Any county may by ordinance enacted by its county legislative
37 authority, levy and fix a tax of not more than one cent on twenty cents

1 or fraction thereof to be paid for county purposes by persons who pay
2 an admission charge to any place, including a tax on persons who are
3 admitted free of charge or at reduced rates to any place for which
4 other persons pay a charge or a regular higher charge for the same or
5 similar privileges or accommodations; and require that one who receives
6 any admission charge to any place (~~shall~~) must collect and remit the
7 tax to the county treasurer of the county(~~(:—PROVIDED,)~~). However, no
8 county (~~shall~~) may impose such tax on persons paying an admission to
9 any activity of any elementary or secondary school or any public
10 facility of a public facility district under chapter 35.57 or 36.100
11 RCW for which a tax is imposed under RCW 35.57.100 or 36.100.210.

12 (2) As used in this chapter, the term "admission charge" includes
13 a charge made for season tickets or subscriptions, a cover charge, or
14 a charge made for use of seats and tables, reserved or otherwise, and
15 other similar accommodations; a charge made for food and refreshments
16 in any place where any free entertainment, recreation, or amusement is
17 provided; a charge made for rental or use of equipment or facilities
18 for purpose of recreation or amusement, and where the rental of the
19 equipment or facilities is necessary to the enjoyment of a privilege
20 for which a general admission is charged, the combined charges
21 (~~shall~~) must be considered as the admission charge. (~~It shall~~)
22 Admission charge also includes any automobile parking charge where the
23 amount of (~~such~~) the charge is determined according to the number of
24 passengers in any automobile.

25 (3) Subject to subsections (4) and (5) of this section, the tax
26 (~~herein~~) authorized (~~shall~~) in this section is not (~~be~~) exclusive
27 and (~~shall~~) does not prevent any city or town within the taxing
28 county, when authorized by law, from imposing within its corporate
29 limits a tax of the same or similar kind(~~(:—PROVIDED, That)~~).
30 However, whenever the same or similar kind of tax is imposed by any
31 such city or town, no such tax (~~shall~~) may be levied within the
32 corporate limits of such city or town by the county.

33 (4) Notwithstanding subsection (3) of this section, the legislative
34 authority of a county with a population of one million or more may
35 exclusively levy taxes on events in baseball stadiums constructed on or
36 after January 1, 1995, that are owned by a public facilities district
37 under chapter 36.100 RCW and that have seating capacities over forty
38 thousand at the rates of:

1 (a) Not more than one cent on twenty cents or fraction thereof, to
2 be used for the purpose of paying the principal and interest payments
3 on bonds issued by a county to construct a baseball stadium as defined
4 in RCW 82.14.0485. If the revenue from the tax exceeds the amount
5 needed for that purpose, the excess (~~shall~~) must be placed in a
6 contingency fund which (~~may only~~) must be used (~~to pay unanticipated~~
7 ~~capital costs on the baseball stadium, excluding any cost overruns on~~
8 ~~initial construction~~) exclusively by the public facilities district to
9 fund repair, reequipping, and capital improvement of the baseball
10 stadium; and

11 (b) Not more than one cent on twenty cents or fraction thereof, to
12 be used for the purpose of paying the principal and interest payments
13 on bonds issued by a county to construct a baseball stadium as defined
14 in RCW 82.14.0485. The tax imposed under this subsection (4)(b)
15 (~~shall~~) expires when the bonds issued for the construction of the
16 baseball stadium are retired, but not later than twenty years after the
17 tax is first collected.

18 (5) Notwithstanding subsection (3) of this section, the legislative
19 authority of a county that has created a public stadium authority to
20 develop a stadium and exhibition center under RCW 36.102.050 may levy
21 and fix a tax on charges for admission to events in a stadium and
22 exhibition center, as defined in RCW 36.102.010, constructed in the
23 county on or after January 1, 1998, that is owned by a public stadium
24 authority under chapter 36.102 RCW. The tax (~~shall be~~) is exclusive
25 and (~~shall~~) precludes the city or town within which the stadium and
26 exhibition center is located from imposing a tax of the same or similar
27 kind on charges for admission to events in the stadium and exhibition
28 center, and (~~shall~~) precludes the imposition of a general county
29 admissions tax on charges for admission to events in the stadium and
30 exhibition center. For the purposes of this subsection, "charges for
31 admission to events" means only the actual admission charge, exclusive
32 of taxes and service charges and the value of any other benefit
33 conferred by the admission. The tax authorized under this subsection
34 (~~shall~~) must be at the rate of not more than one cent on ten cents or
35 fraction thereof. Revenues collected under this subsection (~~shall~~)
36 must be deposited in the stadium and exhibition center account under
37 RCW 43.99N.060 until the bonds issued under RCW 43.99N.020 for the
38 construction of the stadium and exhibition center are retired. After

1 the bonds issued for the construction of the stadium and exhibition
2 center are retired, the tax authorized under this section (~~shall~~)
3 must be used exclusively to fund repair, reequipping, and capital
4 improvement of the stadium and exhibition center. The tax under this
5 subsection may be levied upon the first use of any part of the stadium
6 and exhibition center but (~~shall~~) may not be collected at any
7 facility already in operation as of July 17, 1997.

8 **Sec. 7.** RCW 36.100.220 and 1999 c 165 s 18 are each amended to
9 read as follows:

10 A public facility district may levy and fix a tax on any vehicle
11 parking charges imposed at any parking facility that is owned or leased
12 by the public facility district as part of a regional center, as
13 defined in RCW 35.57.020, or a baseball stadium, as defined in RCW
14 82.14.0485. No county (~~or~~) city, or town within which the regional
15 center or baseball stadium is located may impose a tax of the same or
16 similar kind on any vehicle parking charges at the facility. For the
17 purposes of this section, "vehicle parking charges" means only the
18 actual parking charges exclusive of taxes and service charges and the
19 value of any other benefit conferred. The tax authorized under this
20 section (~~shall~~) must be at the rate of not more than ten percent.
21 The tax authorized by this section with respect to a parking facility
22 associated with a baseball stadium must be used exclusively to fund
23 repair, reequipping, and capital improvement of the baseball stadium,
24 and is not subject to the requirements of RCW 36.100.010(4).

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 67.28 RCW
26 to read as follows:

27 (1) Except as provided in subsection (2) of this section, money
28 deposited in a special purposes account under this section may be used
29 only for one or more of the following purposes within the county:

30 (a) Funding nonprofit organizations providing public health
31 services;

32 (b) Funding nonprofit organizations providing human service
33 programs;

34 (c) Funding tourism promotion as defined in RCW 67.28.080;

35 (d) Funding youth or amateur sports activities or facilities;

36 (e) Funding regional centers;

1 (f) Funding performing arts centers;

2 (g) Maintaining or improving publicly owned stadiums or arenas as
3 long as improvements can be made without economic harm to existing
4 tenants of those stadiums or arenas; or

5 (h) Funding community preservation and development authorities
6 created in chapter 43.167 RCW.

7 (2) Beginning in calendar year 2013, funding must be provided
8 annually in an amount necessary to maintain a stadium constructed by a
9 public facilities district under the authority of RCW 36.100.035.

10 NEW SECTION. **Sec. 9.** This act takes effect July 1, 2010.

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